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NOTICE OF ALLOWANCE AND FEE(S) DUE

29989 7590 06/30/2010

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

EXAMINER

TODD, GREGORY G

ART UNIT

PAPER NUMBER

2457

DATE MAILED: 06/30/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/648,420

08/23/2000

Richard David Day

60095-0039

5648

TITLE OF INVENTION: METHOD FOR OPERATING AN INTEGRATED POINT OF PRESENCE SERVER NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$0	\$0	\$755	09/30/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE
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or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

29989 7590 06/30/2010

HICKMAN PALERMO TRUONG & BECKER, LLP
2055 GATEWAY PLACE
SUITE 550
SAN JOSE, CA 95110

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/648,420 08/23/2000 Richard David Day 60095-0039 5648

TITLE OF INVENTION: METHOD FOR OPERATING AN INTEGRATED POINT OF PRESENCE SERVER NETWORK

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$0	\$0	\$755	09/30/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
TODD, GREGORY G	2457	709-223000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

TODD, GREGORY G

ART UNIT

PAPER NUMBER

2457

DATE MAILED: 06/30/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 549 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 549 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/648,420

Examiner

GREGORY G. TODD

Applicant(s)

DAY ET AL.

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12 April 2010.
2. ☒ The allowed claim(s) is/are 1-14 and 21-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/24/10, 4/12/10
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/G. G. T./
Examiner, Art Unit 2457

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457

DETAILED ACTION

Response to Amendment

1. In response to applicant's amendment and request for continued examination filed, 12 April 2010, of application filed, with the above serial number, on 28 August 2000 in which claims 1, 8, 21, and 28 have been amended. Claims 1-14 and 21-34 are pending in the application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kirk Wong on 16 June 2010.

The application has been amended as follows:

Please amend claims 1, 8, 21 and 28:

1. (Currently Amended) A method, comprising:
receiving a request on a DNS server from a client for a web page at a first web address, the first web address including a hostname;
determining traffic loads of a plurality of mirrored customer web servers each addressable by the requested hostname among a customer's plurality of web servers, each of the customer web servers storing the web page;

determining a customer web server from the plurality of mirrored customer web servers that is appropriate for the request, the customer web server having a traffic load that is optimal over traffic loads of remaining customer web servers from the plurality of mirrored customer web servers according to optimal customer web server selection rules defined on a per domain name basis allowing for each domain name to be configured independently;

determining an IP address of the customer web server;

sending the IP address of the customer web server to the client;

receiving a request from the client for static content on the web page at a second web address, the second web address specifying a network of caching servers;

determining service metrics of a set of caching servers each addressable by the second web address in the network of caching servers, the network of caching servers does not include the customer's plurality of web servers;

wherein a customer is a customer of a service for use of the network of caching servers managed by the service that stores static content for the customer;

determining a caching server from the set of caching servers that is appropriate for the request for static content, the caching server having service metrics that are optimal over service metrics of remaining caching servers from the set of caching servers according to optimal caching server selection rules defined on a per domain name basis allowing for each domain name to be configured independently;

determining an IP address of the caching server; and delivering the IP address of the caching server to the client.

8. (Currently Amended) A method, comprising:

receiving a first request on a DNS server from a client DNS server to resolve a first domain name, the client DNS server receiving a request from a client of a web page address that includes the first domain name;

determining load measurements of a plurality of mirrored customer web servers each addressable by the first domain name among a customer's plurality of web servers, each of the customer web servers addressable by the first domain name, and each of the customer web servers configured to service the request from the client;

determining a customer web server from the plurality of mirrored customer web servers, the customer web server having a traffic load that is optimal over traffic loads of other customer web servers from the plurality of mirrored customer web servers according to optimal customer web server selection rules defined on a per domain name basis

allowing for each domain name to be configured independently;

determining an IP address of the customer web server; providing the IP address of the customer web server to the client DNS server;

receiving a second request from the client DNS server to resolve a second domain name, the client DNS server receiving a request from the client of a uniform resource locator obtained from the web page associated with the web page address that includes the second domain name;

determining performance metric measurement of a set of caching servers each addressable by the second domain name in a network of caching servers, the network

of caching servers does not include the customer's plurality of web servers;
wherein a customer is a customer of a service for use of the network of caching servers managed by the service that store static content for the customer;
determining a caching server from the set of caching servers, the caching server having performance metrics that are optimal over performance metrics of other caching servers from the set of caching servers according to optimal caching server selection rules defined on a per domain name basis allowing for each domain name to be configured independently; and
delivering an IP address of the caching server to the client DNS server.

21. (Currently Amended) An apparatus, comprising:

a DNS server, comprising at least a processor and a memory, that receives a request from a client for a web page at a first web address, the first web address including a hostname;

a traffic load ~~subsystem~~ logic that determines traffic loads of a plurality of mirrored customer web servers each addressable by the requested hostname among a customer's plurality of web servers, each of the customer web servers storing the web page;

a customer web server selection ~~subsystem~~ logic that determines a customer web server from the plurality of mirrored customer web servers that is appropriate for the request, the customer web server having a traffic load that is optimal over traffic loads of remaining customer web servers from the plurality of mirrored customer web servers

according to optimal customer web server selection rules defined on a per domain name basis allowing for each domain name to be configured independently;

an IP address ~~subsystem~~ logic that determines an IP address of the customer web server;

a request directing ~~subsystem~~ logic that directs the request from the client to the customer web server;

a request receiving ~~subsystem~~ logic that receives a request from the client for static content on the web page at a second web address, the second web address including the hostname;

a service metric ~~subsystem~~ logic that determines service metrics of a set of caching servers each addressable by the requested hostname in a network of caching servers, the network of caching servers does not include the customer's plurality of web servers; wherein a customer is a customer of a service for use of the network of caching servers managed

by the service that store static content for the customer;

a caching server selection ~~subsystem~~ logic that determines a caching server from the set of caching servers that is appropriate for the request for static content, the caching server having service metrics that are optimal over service metrics of remaining caching servers from the network of caching servers according to optimal caching server selection rules defined on a per domain name basis allowing for each domain name to be configured independently;

a caching server IP address determining ~~subsystem~~ logic that determines an IP address

of the caching server; and

a caching server IP address delivery ~~subsystem~~ logic that delivers the IP address of the caching server to the client.

28. (Currently Amended) An apparatus, comprising:

a DNS server, comprising at least a processor and a memory, that receives a first request from a client DNS server to resolve a first domain name, the client DNS server receiving a request from a client of a web page address that includes the first domain name;

a traffic load ~~subsystem~~ logic that determines load measurements of a plurality of mirrored customer web servers each addressable by the first domain name among a customer's plurality of web servers, and each of the customer web servers configured to service the request from the client;

a customer web server selection ~~subsystem~~ logic that determines a customer web server from the plurality of mirrored customer web servers, the customer web server having a traffic load that is optimal over traffic loads of other customer web servers from the plurality of mirrored customer web servers according to optimal customer web server selection rules defined on a per domain name basis allowing for each domain name to be configured independently;

an IP address ~~subsystem~~ logic that determines an IP address of the customer web server; wherein the IP address ~~subsystem~~ logic sends the IP address of the customer web server to the client DNS server;

wherein the DNS server receives a second request from the client DNS server to resolve a second domain name, the client DNS server receiving a request from the client of a uniform resource locator obtained from the web page associated with the web page address that includes the second domain name;

a caching server performance metric ~~subsystem~~ logic that determines performance metric measurement of a set of caching servers each addressable by the second domain name in a network of caching servers, the network of caching servers does not include the customer's plurality of web servers;

wherein a customer is a customer of a service for use of the network of caching servers managed by the service that store static content for the customer;

a caching server selection ~~subsystem~~ logic that determines a caching server from the set of caching servers, the caching server having performance metrics that is optimal over performance metrics of other caching servers from the set of caching servers according to optimal caching server selection rules defined on a per domain name basis allowing for each domain name to be configured independently; and

a caching server selection ~~subsystem~~ logic that delivers an IP address of the caching server to the client DNS server.

Drawings

3. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: at least Fig. 1 and the respective reference numbers are

illegible. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY G. TODD whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. G. T./
Examiner, Art Unit 2457

Application/Control Number: 09/648,420

Page 10

Art Unit: 2457

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457